

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

**Brad & Sharon Hughes,**  
Appellants,

**v.**

**Polk County Board of Review,**  
Appellee.

**ORDER**

**Docket No. 14-77-0210**  
**Parcel No. 311/00173-401-012**

On December 8, 2014, the above-captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) (2013) and Iowa Administrative Code rules 701-71.21(1) et al. Appellants Brad and Sharon Hughes requested their appeal be considered without hearing and were self-represented. Assistant County Attorney Ralph E. Marasco, Jr. represented the Board of Review. The Appeal Board now, having examined the entire record and being fully advised, finds:

***Findings of Fact***

Brad and Sharon Hughes are owners of a residentially classified property located at 308 NW Sunset Lane, Grimes, Iowa. According to the property record card, the subject property is a one-story, frame ranch home built in 2013. The improvement has 1784 square feet of living area; a full walk-out basement with 1030 square feet of finish; a 335-square-foot open porch; a 416 square-foot patio, and a 921 square-foot, attached garage. The property is in normal condition and has high quality construction grade (2-10). The dwelling sits on a 0.227-acre site.

The property's January 1, 2014, assessment was \$366,200, representing \$78,300 in land value and \$287,900 in improvement value. The dwelling was constructed in 2013, purchased in November 2013, and reassessed for 2014. The Hughes protested to the Polk County Board of Review on the ground that there was an error in the assessment under Iowa Code section 441.37(1)(a)(1)(d). The

error they claim is that the construction quality grade determined by the assessor is too high. The Board of Review denied the protest.

The Hughes then appealed to this Board reasserting their claim.

The Hughes purchased the property in November 2013 for \$388,370. The Hughes assert the construction grade of the property should be lowered from 2-10 to 3+05. They claim their home lacks architectural frills and is of practical design and layout. They believe the workmanship and materials are consistent with a level grade 4 (average). The Hughes report the interior and exterior finish used construction grade materials such as interior wood trim, carpeting, fixtures, shingles, windows, and decking. While the roof is gable style, they contend a hip roof design is more expensive. We note the entirety of the record includes one black-and-white, exterior photograph of the subject property.

The Hughes provided information on five properties they considered comparable. All of the properties are located in the same neighborhood of West Des Moines (WD09/Z) and on the same street as the subject property.

The following chart summarizes the property data provided.

Address	Grade	Sale Price	Assessed Value
Subject	2-10	\$388,370	\$366,200
304 NW Sunset Lane	3+05	\$359,900	\$340,200
305 NW Sunset Lane	3+05	\$347,250	\$337,400
309 NW Sunset Lane	3+05	\$307,000	\$292,000
312 NW Sunset Lane	3+05	n/a	\$317,100
316 NW Sunset Lane	3+00	\$303,460	\$292,900
<b>Average</b>	<b>3+05</b>	<b>\$329,403</b>	<b>\$315,920</b>
<b>Median</b>	<b>3+05</b>	<b>\$327,125</b>	<b>\$317,100</b>

We note that the subject property has a higher sale price and a higher assessed value than any of the comparable properties the Hughes provided. The Hughes' property values are well above the

comparables' average and median sale prices and assessments. This discrepancy suggests the subject property is superior to the other properties.

The Board of Review provided information about the grading process used by the assessor. The method used is explained in Chapters 3 and 7 of the *Iowa Real Property Appraisal Manual*, 2008. (Attachments 1 & 2). In addition, the Polk County Assessor has prepared a *Residential Procedures Manual* used by the assessor's staff. (Attachment 3). These manuals were developed to assure uniformity in property grading. Brett Tierney, an appraiser for the assessor's office, inspected the property in September 2013 and graded it. Tierney considered the size, shape, fenestration, amenities, quality of construction, quality of materials, and the sale price in determining the grade.

The Board of Review provided a list of properties in the area that were constructed in 2012 and 2013. (Attachment 4). The following chart summarizes the properties listed that have the same construction grade as the subject.

Address	Grade	Sale Price	Assessed Value
Subject	2-10	\$388,370	\$366,200
301 NW Sunset Lane	2-10	\$345,000	\$345,500
1005 NW 3rd Court	2-10	\$317,000	\$284,600
212 NW Sunset Lane	2-10	\$383,940	\$358,800
216 NW Sunset Lane	2-10	\$403,350	\$392,000
900 NW 3rd Court	2-10	n/a	\$397,000
909 NW 3rd Court	2-10	\$418,900	\$346,800
208 NW Sunset Lane	2-10	n/a	\$411,600
<b>Average</b>	<b>2-10</b>	<b>\$373,638</b>	<b>\$362,329</b>
<b>Median</b>	<b>2-10</b>	<b>\$383,940</b>	<b>\$346,600</b>

We note the grade 2-10 properties listed above have average and median sale prices and assessed values that are consistent with the subject. This suggests these properties are more similar in construction quality grade to the subject property than those selected by the Hughes. In addition, a

map of the area showing construction quality grades for neighborhood homes indicates there are other properties that have the same construction quality grade as the subject. (Attachment 5).

### ***Conclusion of Law***

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. This Board is an agency and the provisions of the Administrative Procedure Act apply. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review, but considers only those grounds presented to or considered by the Board of Review. §§ 441.37A(3)(a); 441.37A(1)(b). New or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.*

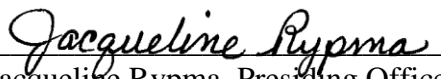
Section 441.37(1)(a)(1)(d) is not limited solely to clerical or mathematical errors. The plain language of section 441.37(1)(a)(1)(d), on which the taxpayer rests their claim, allows a protest on the ground "[t]hat there is an error in the assessment." § 441.37(1)(a)(1)(d). The Hughes claim there is an error in the grading of their property and that it should be changed from 2-10 to 3+05. They provided

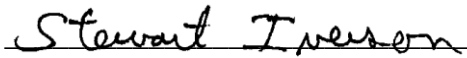
a list of neighboring properties with a 3+05 grade to support their assertion. However, they appear to be inferior to the Hughes' dwelling while the comparable 2-10 grade properties submitted by the Board of Review are more similar in recent sale prices and assessments. These support the assessor's grading.

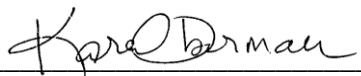
We note that a modification to the construction quality grade assigned by the assessor in this case requires the Board to engage in a fact-intensive inquiry into the criteria delineated in the *Iowa Real Property Appraisal Manual* as applied not only to the subject property but to other single family residential properties. This inquiry is aided by the introduction of evidence demonstrating the type and quality of materials used, design and layout, and workmanship of these properties; preferably from a disinterested witness. Here, the only independent evidence in the record available for examination is a single black-and-white, exterior photograph of the subject property. This evidence is not sufficient to complete such an inquiry or justify modification of the subject property's grade. As a result, we conclude the Hughes have not shown by a preponderance of the evidence that there was an error in the assessment.

THE APPEAL BOARD ORDERS the assessment of the Hughes' property located at 308 NW Sunset Lane, Grimes, Iowa, is affirmed with a total value of \$366,200 as of January 1, 2014.

Dated this 14th day of January, 2015.

  
Jacqueline Rypma, Presiding Officer

  
Stewart Iverson, Board Chair

  
Karen Oberman, Board Member

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